IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1295 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/07/2004 in WP NO : 33 OF 1999 on the file of the High Court.)

Between:

Md. Ahamad Ali, S/o. Mukhtar Ali,
R/o. Manneguda Village, Pudur Mandal, R.R. District.

..... APPELLANT

AND

1 The Mandal Revenue Officer, Pudur Mandal, Ranga Reddy District.
2 The Revenue Divisional Officer, Vikarabad, Ranga Reddy District.
3 The District Collector, Ranga Reddy District.

.....RESPONDENT(S)

Counsel for the Appellant: MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

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Writ Petition No. 33 of 1999, filed by the appellant was dismissed by the learned single judge by the impugned order in which appellant had in fact challenged the notice dated 15.12.1998. There was an interim order passed by learned single judge. But, in the meanwhile, on 16.1.1999, the Mandal Revenue Officer, Pudur Mandal, Ranga Reddy District proceeded to pass an order against the appellant directing his eviction from the assigned land for having contravened the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977. Appellant sought amendment of the writ petition. But, the learned single judge, by the impugned order, had dismissed the writ petition with liberty reserved to the appellant/writ petitioner to raise all those grounds before the Revenue Divisional Officer. However, time for filing appeal was extended by two weeks from the date of receipt of a copy of the said order, since, all these years, the matter has been pending in this Court.

We are in full agreement with the learned single judge that disputed questions of

facts cannot be adjudicated in a writ petition and when statutory remedy is available, there is no reason why the appellant be not relegated to avail the said remedy, which is adequate and efficacious. Appellate authority, will, of course, be entitled to hear all the questions raised.

Accordingly, we dismiss the writ appeal with liberty reserved to the appellant to challenge the order dated 16.1.1999, in appeal before the Revenue Divisional Officer, on all available grounds, including the grounds taken before us. It is further directed that in case, appeal is filed within two weeks from the date of receipt of the order passed by us, the same will be entertained by the appellate authority without raising the question of limitation and will be decided in accordance with law. In case, appellant would feel aggrieved by the order that would be passed by the appellate authority, he can have recourse to the provisions of the Act. No costs.

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DEVINDER GUPTA, CJ

Date: 30th August, 2004

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C.V.RAMULU,J

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To

1 The Mandal Revenue Officer, Pudur Mandal, Ranga Reddy District.

2 The Revenue Divisional Officer, Vikarabad, Ranga Reddy District.
3 The District Collector, Ranga Reddy District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad.

5 Two C.D. copies